

U.S. DISTRICT COURT
N.D. OF N.Y.

FILED
JAN 23 2017
LAWRENCE E. KAHN, CLERK

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

445 Broadway, Albany, NY. 12207-2934 ALBANY

Unified United States Common Law Grand Jury;¹**Sureties of the Peace²**

P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WY.

Grand Jury, Sovereigns of the Court

We the People**- Against -**U.S. Congress; U.S. President; U.S. Supreme
Court, State Governors; John & Mary Doe, et
al**Defendants**Jurisdiction: Court of Record, under
the rules of Common Law³**JUDICIAL NOTICE**

Case NO: 1:16-CV-1490

Magistrate: Lawrence E. Kahn

Federal Form 7, pg. 106; 113th congress 2nd session**MAGISTRATE LAWRENCE E. KAHN IS TO TAKE JUDICIAL COGNIZANCE⁴**

We the People have been providentially provided legal recourse to address the criminal conduct of persons themselves entrusted to dispense justice. In the Supreme Court case of United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992), Justice Antonin Scalia, writing for the majority, confirmed that:

¹ The UUSCLGJ is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **JUDICIAL COGNIZANCE:** Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.]

20 *"The American grand jury is neither part of the judicial, executive nor legislative branches of government, but instead belongs to the people. It is in effect a fourth branch of government "governed" and administered to directly by and on behalf of the American people, and its authority emanates from the Bill of Rights."*

The Court further said:

25 *"Thus, citizens have the unbridled right to empanel their own grand juries and present "True Bills" of indictment to a court, which is then required to commence a criminal proceeding. Our Founding Fathers presciently thereby created a "buffer" the people may rely upon for justice, when public officials, including judges, criminally violate the law."*

"Because the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no "supervisory" judicial authority exists."

30 *"[R]ooted in long centuries of Anglo-American history," Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It " 'is a constitutional fixture in its own right.' " United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and*

35 *the people. Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906). Although the grand jury*

40

normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office. *United States v. Calandra*, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); *Fed.Rule Crim.Proc.* 6(a)."

"The grand jury requires no authorization from its constituting court to initiate an investigation, see *Hale*, *supra*, 201 U.S., at 59-60, 65, 26 S.Ct., at 373, 375, nor does the prosecutor require leave of court to seek a grand jury indictment. And in its day-to-day functioning, the grand jury generally operates without the interference of a presiding judge. See *Calandra*, *supra*, 414 U.S., at 343, 94 S.Ct., at 617. It swears in its own witnesses, *Fed.Rule Crim.Proc.* 6(c), and deliberates in total secrecy, see *United States v. Sells Engineering, Inc.*, 463 U.S., at 424-425, 103 S.Ct., at 3138."

"The grand jury remain "free to pursue its investigations unhindered by external influence or supervision so long as it does not trench upon the legitimate rights of any witness called before it." *United States v. Dionisio*, 410 U.S. 1, 17-18, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973). Recognizing this tradition of independence, we have said that the Fifth Amendment's "constitutional guarantee presupposes an investigative body 'acting independently of either prosecuting attorney or judge '" *Id.*, at 16, 93 S.Ct., at 773 (quoting *Stirone*, *supra*, 361 U.S., at 218, 80 S.Ct., at 273)."

The passage of the unconstitutional Organic act of 1871 and all later construction upon it that Judges have covertly use to seized control of our federal district courts in an effort to bypass the Law of the Land in order to ensure the abusive will of the State, was

an act of treason; thereby, waring against the Constitution and We the People.
 70 Therefore, it is null and void.

"We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." - Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200

75

THIS IS AN EXTRAORDINARY PROCESS

This is a case concerning subversion by enemies both foreign and domestic within our government, including our federal judiciary. We the People have reported these subversions over the past year in all ninety-four federal district courts through "Informations" and the federal judiciary has not acted upon them. We the People over
 80 the past year have served writs upon all servants within our federal government demanding obedience to the Law of the Land and have filed said writs in all ninety-four federal district courts and the response has been a deafening silence as our elected servants continue in their lawlessness. Therefore, We the People proceed as follows:

- 1) This is a Court of Record under the Peoples own authority⁵, see Statement of
 85 Jurisdiction, and will proceed according to the rules of common law, see the Common Law Handbook, a copy can be found at www.nationallibertyalliance.org/docket.
- 2) Federal rules will be adhered to in as much as they are not repugnant to the Law of the Land⁶.
- 3) The Common Law Grand Jury is normally comprised of twenty-five People. Due to
 90 the nature of this case there are approximately six thousand jurists representing all fifty States that make up this Grand Jury. When called into session, a quorum will be

⁵ **Preamble:** We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

⁶ **Article VI, clause 2:** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

made-up of 100 People. The Grand Jury will appoint four administrators, hereinafter the Sureties of the Peace, who will administrate and advise the juries when called upon by the jury foreman of the trial juries.

- 95 4) The Trial Juries⁷ will be made up of twelve People chosen from a pool that the Federal District Court already adheres to; the Grand Jury will provide an appropriate questionnaire. When cases become ripe for trial, the Sureties of the Peace will call upon the Magistrate to muster a jury and the jury will be orientated by the Sureties of the Peace.
- 100 5) Judges are Magistrates⁸ in courts of record and are entrusted with the administration of the laws; whereas, the People will decide both the facts and the law through an untainted Jury chosen according to the common law. Be advised that the Federal Grand Jury and Jury Hand Books are repugnant to the common law and thereby null and void. See 1011 Memorandum Jury Tampering & Stacking found at
- 105 www.nationallibertyalliance.org/docket. Magistrates are to make no rulings without leave of the sovereigns of the court.
- 6) When elected servants are called upon to answer the Peoples demands for a redress of grievances, they are to answer in a sworn affidavit directly and not through an attorney. Any unsworn answers through an attorney will be considered a non-answer.
- 110 Elected and appointed servants have a duty to speak. Silence will be equated with fraud and will be brought before the Grand Jury for consideration for indictment. After indictment, the prosecutor will give the defendant a copy of the indictment at the arraignment and the Voluntary Disclosure Form, which includes information about the case, such as the date, time and place of the crime, and of the arrest. The
- 115 defendant will be informed about the substance of his statements and of his identification. The defendant will then enter a plea of guilty or not guilty to the indictment. Bail may be reviewed and different conditions may be set.

7) The Sureties of the Peace will appoint a Special Prosecutor.

⁷ In a court of record, the judicial tribunal (untainted trial jury) having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, proceeds according to the course of common law. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁸ A person clothed with power as a public civil officer. State ex rel. Miller v. McLeod, 142 Fla. 254, 194; and see N.Y. CRC. LAW §30.


120 8) Once indicted, servants will be removed from office and have a right to counsel. If
they cannot afford legal counsel they can petition the court and if they qualify the
court will provide counsel.

125 9) *"It is the duty of all magistrates to exercise the power vested in them for the good of
the people, according to law, and with zeal and fidelity. A neglect on the part of a
magistrate to exercise the functions of his office, when required by law, is a
misdemeanor."* Vide 15 Vin. Ab. 144; Ayl. Pand. tit. 22; Dig. 30, 16, 57; Merl. Rep.
h. t.; 13 Pick. R. 523.

Dated: January 18, 2017

130

SEAL


Grand Jury Foreman

Unified United States Common
Law Grand Jury Foreman
P.O. Box 59
Valhalla, NY 10595

CERTIFIED MAIL



7015 0640 0004 0748 9166

U.S. District Court for the
Northern District of NY.
Magistrate: Lawrence E. Kahn
445 Broadway; Albany, NY.
12207-2936

U.S. POSTAGE
PAID
HYDE PARK, NY
12538-17
JAN 20 17
AMOUNT
\$3.98
R2304M11548509



12207



1000

1220732947 0012

